

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6757

BILL NUMBER: HB 1109

NOTE PREPARED: Mar 4, 2010

BILL AMENDED: Mar 4, 2010

SUBJECT: Voters With Disabilities; MOVE.

FIRST AUTHOR: Rep. Battles

FIRST SPONSOR: Sen. Miller

BILL STATUS: Enrolled

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Accessibility Requirements-* The bill requires that all locations (other than the circuit court clerk's office) where a voter is entitled to cast in person an absentee ballot before election day must meet the same accessibility requirements that apply to a polling place for a precinct.

Assistance of Certain Voters- The bill provides that a voter casting an absentee ballot before an absentee voter board in the office of the circuit court clerk or at a satellite office is entitled to receive assistance in casting a ballot if the voter is a voter with a disability or is unable to read or write English.

DRE Voting for Voters with Disabilities- The bill provides that a voter with a disability who votes an absentee ballot (other than a voter who casts an absentee ballot before an absentee voter board that visits the voter's residence or place of confinement) is entitled to vote on a direct record electronic (DRE) voting system.

Counting of Absentee Ballots- The bill provides that a county election board (CEB) may count absentee ballots cast at the circuit court clerk's office or at a satellite office on a direct record electronic voting system at a central location instead of sending those ballots to the precinct for counting. The bill requires a CEB that counts absentee ballots in this manner to adjust precinct vote totals to reflect the counting of these absentee ballots. The bill provides that a county that counts these absentee ballots in this fashion is not required to count other absentee ballots at a central location.

Challenges and Absentee Ballot Counting- The bill provides that absentee ballots cast at the circuit court clerk's office (CCCO) or at a satellite office on a direct record electronic voting system shall be counted using the procedures for counting absentee ballots at a central location, including the procedures for challenging

absentee ballots and eliminating the absentee ballots of individuals voting in person at the polls, to assure that the ballots cast on the direct record electronic voting system may be counted.

MOVE- The bill implements the Military and Overseas Voter Empowerment Act ("MOVE") in Indiana election law. The bill delegates to counties the state's responsibilities to carry out the requirements of MOVE except as otherwise provided by law. The bill designates electronic mail, fax, and web publication as means of communications for an absent uniformed services voter or an overseas voter to request a voter registration application and an absentee ballot application. The bill requires the Secretary of State (SOS), with the approval of the Election Division, to develop a free access system that permits an absent uniformed services voter or overseas voter to determine whether the voter's absentee ballot has been received by the appropriate CEB (or board of elections and registration), regardless of the manner in which the absentee ballot was transmitted by the voter to the CEB.

Candidate Qualification Challenge Deadline- The bill increases from 40 days to 74 days before the date of a general election the deadline for challenging the qualifications of a candidate who seeks an office on the general election ballot. The bill provides that if a challenge is not resolved by noon 60 days before the general election, the challenge is terminated and the name of a challenged candidate may not be removed from the ballot.

Use of Federal Write-In Ballot- The bill provides that, if an absent uniformed services voter or an overseas voter makes a timely application for and does not receive an absentee ballot from a CEB, the voter may use a federal write-in absentee ballot in the form prescribed by the Federal Voting Assistance Program of the United States Department of Defense to cast a vote for any candidate, political party, or public question on a primary election, general election, municipal election, or special election ballot.

Rules- The bill establishes rules for counting federal write-in absentee ballots. The bill updates outdated voter registration provisions.

Repealers- The bill repeals superseded statutes.

Effective Date: July 1, 2010.

Explanation of State Expenditures: *Repealers-* The repeal of these statutes would allow the Election Division (ED) to stop preparing special absentee ballots for use by absentee uniformed services or overseas voters. This provision would present an indeterminable savings to the ED.

MOVE- The expense required to implement a free access system for overseas or uniformed services voters is unknown, but is believed to be negligible. Ultimately, the source of funds and resources required to satisfy the requirements of this provision will depend on legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures: *Accessibility Requirements-* Counties would likely be able to find facilities for satellite offices that meet accessibility requirements.

DRE Voting for Voters with Disabilities- CEBs in counties with optical scan voting systems could use their DRE machine for absentee ballots for voters with disabilities.

Counting of Absentee Ballots- CEBs could save on travel time and expenditure if absentee ballots cast on direct recording electronic (DRE) voting systems did not have to be sent to precincts for counting.

CEBs could require additional administrative time to compile and deliver absentee voting lists to precincts.

Challenges and Absentee Ballot Counting- Absentee ballots described by this provision (cast on a DRE voting system) in counties that currently do not central count absentee ballots would have to be counted according to the provisions of central counting of absentee ballots under current law. This provision could save administrative time of CEBs to count these ballots centrally instead of at the precincts.

MOVE- If this provision results in fewer absentee ballots being mailed, then CEBs could experience a savings assuming that any additional administrative work to compile email and fax lists would not offset the potential savings.

Candidate Qualification Challenge Deadline- This provision could present a small savings to counties if the deadlines were pushed back by the amount specified above. With respect to ballot replacement costs, if fewer challenges were successful in a given election year, then fewer ballot amendments would have to be made before an election.

Explanation of Local Revenues:

State Agencies Affected: Secretary of State, Election Division.

Local Agencies Affected: County election boards, circuit court clerks.

Information Sources:

Fiscal Analyst: Chris Baker, 317-232-9851.